

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-29 are pending in the present application, Claims 1-7, 9, 11-21, and 23-29 having been amended. Support for the amendments to Claims 1 and 14 is found, for example, in Applicants' Fig. 6. The other amendments are directed to matters of form. Applicants respectfully submit that no new matter is added.

In the outstanding Office Action, Claims 6-13 and 20-29 were objected to for depending from a rejected base claim, but were otherwise indicated as including allowable subject matter; Claims 2-5 and 16-19 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite; Claims 1, 2, 14, 15, and 16 were rejected under 35 U.S.C. §102(b) as anticipated by Yamashita et al. (U.S. Patent No. 5,933,397, hereinafter Yamashita); and Claims 3 and 17 were rejected under 35 U.S.C. §103(a) as unpatentable over Yamashita in view of Takemura et al. (U.S. Patent Publication No. 2002/013160, hereinafter Takemura).

Initially, it is noted that Takemura is not listed on PTO Form 892. It is respectfully requested that the Office list Takemura on PTO Form 892 so it may appear on the face of any patent that issues from this application.

Applicants thank the Examiner for the indication of allowable subject matter.

With respect to the rejections under 35 U.S.C. §112, second paragraph, the claims are amended to more clearly describe and distinctly claim the subject matter regarded as the invention. The Office Action provides no specific reason as to why the claimed "mechanical characteristics measuring apparatus" is not clear. According to MPEP §2173.04, breadth is not indefiniteness. Thus, this ground of rejection is believed to be overcome.

With respect to the rejections of Claims 1 and 14 as anticipated by Yamashita, Applicants respectfully submit that the present amendment overcomes this ground of rejection.

Amended Claims 1 and 14 both recite “an eccentricity measuring area in which a groove area formed with spiral grooves and a circular planer mirror area concentric with the spiral grooves are spatially alternately arranged.” Yamashita does not disclose or suggest every element of Claims 1 and 14.

The Office Action refers to Fig. 26 of Yamashita, and mirror portion 300 and groves 298. Mirror portion 300 appears to extend radially along a disc while intersecting the grooves. This mirror portion 300 is not circular and is not concentric with the grooves. Thus, Yamashita does not disclose or suggest the claimed “an eccentricity measuring area in which a groove area formed with spiral grooves and a circular planer mirror area concentric with the spiral grooves are spatially alternately arranged.”

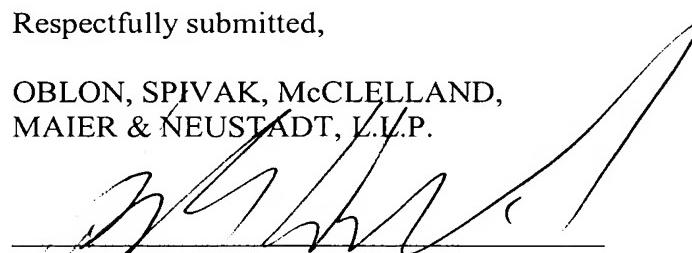
In view of the above-noted distinction, Applicants respectfully submit that amended Claims 1 and 14 (and any claims dependent thereon) patentably distinguish over Yamashita.

Addressing each of the further rejections, each of the further rejections is also traversed by the present response as no teachings in any of the further cited references to Takemura can overcome the above-noted deficiencies of Yamashita. Accordingly, it is respectfully requested that those rejections be withdrawn for similar reasons as discussed above.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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